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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,950	12/31/1999	FRANK S. SAAVEDRA-LIM	E-833	7103

919 7590 01/19/2007

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 01/19/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notification of Non-Compliant Appeal Brief</b> <b>(37 CFR 41.37)</b>	<b>Application No.</b> 09/475,950	<b>Applicant(s)</b> Saavedra-Lim	
	<b>Examiner</b> O'Connor	<b>Art Unit</b> 3627	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**


The Appeal Brief filed on November 7, 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37(c).

To avoid dismissal of the appeal, applicant must file a complete new brief in compliance with 37 CFR 41.37(c) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief was filed on or after September 13, 2004 and does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a correct statement of the status of all claims, (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☒ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise and/or correct statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal or include separate subheadings identifying any claim or groups of claims argued separately (37 CFR 41.37(c)(1)(vii)).
7. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See annotations 1-10 on the attached marked-up copies of pages i, 3, 9, 13, and 14 of appellant's brief.

Regarding annotation 5, note that the stated request is inappropriate, as the Board neither "allows," nor "directs allowance," of any claims. The Board simply affirms or reverses the particular rejections that it considers.

 1/16/07  
 Gerald J. O'Connor  
 Primary Examiner  
 Art Unit: 3627



CAF

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

1 > I hereby patent application of:

) Date: November 2, 2006

Frank S. Saavedra-Lim

) Attorney Docket No.: E-833

Serial No.: 09/475,950

) Customer No.: 00919

Filed: December 31, 1999

) Group Art Unit: 3627

Confirmation No.: 7103

) Examiner: Gerald J. O'Connor

(O'Connor)

2 > Title: METHOD AND SYSTEM OF UPGRADING THIRD PARTY FUNCTIONALITY IN AN ELECTRONIC FRAUD MANAGEMENT SYSTEM

**TRANSMITTAL OF APPEAL BRIEF (PATENT APPLICATION 37 CFR 1.192)**

(41.37)

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is the **APPEAL BRIEF** in the above-identified patent application with respect to the Notice of Appeal filed on March 4, 2003.

The fee for filing the Corrected Appeal Brief has been paid previously.

The Commissioner is hereby authorized to charge any additional fees which may be required to Deposit Account No. 16-1885.

A duplicate copy of this transmittal is enclosed for use in charging the Deposit Account.

Respectfully submitted,



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**CERTIFICATE OF MAILING**

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on November 2, 2006  
Date of Deposit



Signature  
Amy Harvey  
Name of Person Certifying

**I. REAL PARTY IN INTEREST**

Pitney Bowes Inc. is the real party in interest.

**II. RELATED APPEALS AND INTERFERENCES**

There are no related Appeals and interferences.

**III. STATUS OF CLAIMS**

- a) Claims 1 – 6 and 9 -10 are in the application.
- b) Claims 7 and 8 have been canceled.
- c) Claims 1 – 6 and 9 -10 are rejected.
- d) Claims 1 – 6 and 9 -10 are on appeal.

**IV. STATUS OF AMENDMENTS**

3 > An Amendment subsequent to the Final Rejection of December 3, 2002, was filed on March 4, 2003. This Amendment was entered.

(February 5, 2003)

**V. SUMMARY OF CLAIMED SUBJECT MATTER**

Within the financial industry in general there is a marked propensity for fraud, which thus associates a certain degree of risk with each transaction or financial product introduction. This is particularly true in the credit card portion of the industry. Case history supports this conclusion. Fraud can, and does, originate both internally to the organization issuing the financial product, and externally, with customers, vendors, merchants, or criminals that intercept the communication of credit card information, electronically, or physically. Thus, fraud in this industry is expected.

a credit authorization request from a merchant or a system user, where said request is initiated by a user of said financial product. Now the program goes to block 902 to select a fraudi from a list comprising one or more fraudi and wherein said each one of said fraudi is representative of a defined area of risk. Then the program goes to block 903 to apply the selected fraudi to each one of said assessment steps. Then the program goes to block 904 to utilize a predictive modeling routine to perform said assessment. Now the program goes to block 905 to accept or decline said credit authorization request as based upon an outcome of said assessment. Then the program goes to block 906 to download said assessment result to said data processing system for transfer to a database accessible by one or more remote nodes of said system.

## **VI. GROUNDS OF REJECTION**

Claims 1-6 and 9-10 are rejected under 35 USC §102(e) as being anticipated by Walker, et al. (U.S. Patent No. 6,664,987).

## **VII. ARGUMENTS**

Claims 1 – 6 and 9-10 have been rejected by the Examiner under 35 USC §102(e) as being anticipated by Walker, et al. (U.S. Patent No.

4 > 6,664,987).

(6,064,987)

### **A. Claims 1-3**

Walker discloses the following in lines 11-41 of column 3:

"In accordance with the present invention, a central controller receives from a POS terminal a purchase price and a financial account identifier. The financial account identifier specifies a financial account, such as a credit card account. The central controller, in turn, generates one or more installment plan identifiers indicating installment plans for payment of the purchase price. The installment plan identifiers are based on the purchase price and/or the financial account identifier. For example, certain accounts or certain high purchase prices may merit preferred installment plans. The installment plan identifiers are transmitted to the POS terminal.

A purchaser at the POS terminal selects whether he would like to pay for his purchase in installments and, if so, using which installment plan. The POS terminal generates a selection

5 >

In view of the above Appellant respectfully submits that appealed claims 1-6 and 9-10 in this application are patentable. It is requested that the Board of Appeal overrule the Examiner and direct allowance of the rejected claims.

Respectfully submitted,



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Signature

Amy Harvey  
Name of Person Certifying

## VIII. CLAIMS APPENDIX

1. A method of managing and assessing a set of risks relative to a financial product, said method being accessed through a data processing system, wherein said data processing system comprises a series of nodes operatively connected with each other, said method comprising the steps of:

(a) performing an application processing procedure on one or more customers, comprising a check of the creditworthiness of one or more selected customers; and issuing a financial product to one or more of said customers if said selected customer is determined to be creditworthy, thus resulting in an accepted customer, and declining said application if said customer is determined to be not creditworthy;

6> (b) (g) assessing a credit authorization request from a system user, wherein said request is initiated by a use of said financial product;

7> (c) (h) utilizing a predictive modeling routine to perform said assessment;

8> (d) (i) accepting or declining said credit authorization request as based upon an outcome of said assessment;

9> (e) (j) downloading an assessment result to said data processing system for transfer to a database accessible by one or more remote nodes of said system; and

10> (f) (k) applying a fraudi to each assessment and wherein said fraudi is selected from a list of fraudi and wherein each of said fraudi on the list is representative of a defined area of risk.

2. The method of claim 1, wherein said financial product is a credit card.
3. The method of claim 1, wherein said accepted customer is a business entity.
4. The method of claim 1, wherein said accepted customer is an individual and wherein an account is representative of a business affiliation and said set of risks is a function of an individual's profile.